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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

REFUGIO M.,

Petitioner,

v.

THE SUPERIOR COURT OF TULARE
COUNTY,

Respondent;

TULARE COUNTY HEALTH AND HUMAN
SERVICES AGENCY,

Real Party in Interest.

F074352

(Super. Ct. No. JJV069075)

OPINION

THE COURT*

ORIGINAL PROCEEDING; petition for extraordinary writ review. Robert
Anthony Fultz, Judge.

Refugio M., in pro. per., for Petitioner.

No appearance for Respondent.

No appearance for Real Party in Interest.

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*Before Kane, Acting P.J., Franson, J. and Smith, J.

Refugio M. (father) petitions (Cal. Rules of Court, rule 8.452) to vacate a juvenile court's September 7, 2016, order terminating his reunification services and setting a Welfare and Institutions Code section 366.26 hearing for his 13-year-old daughter, Karla.¹ Father's petition fails to comport with the procedural requirements of California Rules of Court, rule 8.452(b) in that it does not include a memorandum summarizing the significant facts contained in the record and does not support his argument by citation to legal authority and the record. Accordingly, we will dismiss his petition as inadequate.

PROCEDURAL AND FACTUAL HISTORY

In July of 2015, the Porterville Police Department conducted a traffic stop. Father, the driver, fled from law enforcement, leaving Karla in the vehicle. Father was arrested, and it was determined he was under the influence of alcohol at the time. Karla's mother is deceased. Karla was placed into protective custody and the Tulare County Health and Human Services Agency (agency) initiated these dependency proceedings.

Father later explained that he fled the scene because he did not want to "lose" his property, as he was behind on house and car payments. Father admitted a heavy amount of daily alcohol consumption with Karla present and, while he tried not to drive while under the influence, he did do so with Karla in the car. Father said he had two prior DUI arrests. He denied any drug use.

Police records showed father facing a number of charges, including child endangerment, driving with a suspended license, willfully and maliciously using a dog, fleeing an officer, and resisting arrest. Father was on summary probation. He received his first DUI in 2013, his second in 2014 and was referred to a DUI program on both occasions.

The juvenile court subsequently exercised its dependency jurisdiction over Karla because of the substantial risk that she would suffer physical harm by father's inability to

¹All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

provide regular care due to his abuse of alcohol and methamphetamines² and his incarceration.

By the time of the six-month review hearing in February of 2016, the agency recommended dependency continue and father be given six additional months of reunification services. Father was out of custody as of December of 2015 and recently began counseling but was not compliant with parenting classes, drug testing, or his substance abuse program, from which he was discharged. Father had had monthly visits with Karla while he was incarcerated, but had only had one visit since his release. Karla had been in a relative placement since September of 2015. The juvenile court adopted the recommendation of the agency, and a 12-month review was set for August of 2016.

At the 12-month review in September of 2016, the agency recommended Karla remain a dependent of the juvenile court, that reunification services be terminated for father, and a section 366.26 selection and implementation hearing set. The agency recommended legal guardianship for Karla. Father completed parenting classes, but was discharged from counseling and his substance abuse program, he was not compliant with random drug testing, and his visits were sporadic.

At the hearing, father argued, through counsel, that, since the last court hearing three weeks earlier, he had attended an “AOD assessment,”³ been participating in substance abuse treatment, completed parenting classes, and drug tested, although counsel did not have any results of the tests. Father had also had a mental health assessment and was told he could, but was not required to, participate in mental health counseling.

Counsel for Karla noted that, while it was commendable that father was “doing something,” Karla was detained due, in part, to father’s alcohol abuse, and a year had

²A toxicology report verified father was under the influence of methamphetamine as well when he was stopped with Karla in the vehicle.

³Alcohol and other drug services assessment.

already passed without him addressing the issue. Counsel also noted father had missed 42 of the 48⁴ scheduled visits because, according to father, he was “busy doing other things with work, remodeling the home, going through a divorce”

County counsel argued that, while father completed his parenting classes, he attended only four out of 48⁵ possible visits with Karla. County argued further that, while father had recently had an AOD assessment and was again in drug treatment, over the course of the past year he had had numerous scheduled AOD assessments, had attended some and been referred to treatment, but was terminated from drug treatment services due to noncompliance. Counsel also noted father had 17 opportunities to drug test, but tested only once and refused to test once.

After a contested review hearing, the juvenile court found father failed to reunify with Karla. The juvenile court specifically noted father had visited Karla only four out of the scheduled 48 visits, he did not consistently drug test, and he had been “been in and out of the substance abuse counseling,” which he “put no effort into.” The court terminated reunification services and set a section 366.26 permanency planning hearing for December 21, 2016. Father was served with writ notice in court.

DISCUSSION

The purpose of writ proceedings such as this is to facilitate review of a juvenile court’s order setting a section 366.26 hearing to select and implement a permanent plan for a dependent child. (Cal. Rules of Court, rule 8.450(a).) A court’s decision is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It is up to a petitioner to raise specific issues and substantively address them. (§ 366.26, subd. (I).) This court will not independently review the record for possible error. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.)

⁴The status review report states father had 48 total scheduled visits, attended four visits and missed 42 visits.

⁵See footnote 4, *ante*.

Father contends the juvenile court should not have made the September 7, 2016, order. However, he fails to explain how the juvenile court's decision was legally erroneous. There was very little to no evidence father had taken steps to reunify with Karla.

DISPOSITION

The petition for extraordinary writ is dismissed. This opinion is immediately final as to this court.